

**REMARKS**

Examiners' election to treat the application without traverse is acknowledged. Regarding information disclosure, the examiner claims that there is a list of references which is not in a proper format. The applicants respectfully disagree and claim that there is no list of references but selective description of a number of relevant patents in connection with the application that have been mentioned and briefly discussed. The applicants have observed such discussions of the prior art in other applications and patents. On the specification with multiple dependencies the applicants have either withdrawn or revised the claims 3, 7-17, 19-23 to only depend on one previous amended claim no. 1 and thus the situation has been corrected.

Claims 1, 2, and 3 were rejected under 35 USC § 112, as failing to define the invention because of phrases "such as", "steps of", "by" etc. All these phrases have been removed, claim 1 has been amended accordingly and the claims 2, 3, 4, 5, 6 have been withdrawn to clearly define the invention by the amended claim 1.

Claims 1,2, 6, and 18 were rejected under 35 USC § 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Dailey (US -6547714) in view of Johnson (US-4575373). The examiner in the next paragraph stresses that:

**"Dailey discloses an apparatus for correcting retinal detachment, a specifically designed encircling scleral band (col. 4, line 61) with a snap-on custom made buckle (fig. 1, 106)".** With all due respect for the examiner, we claim that the above statement is simply not entirely true because col. 4 line 61 simply does not convey anything like that. For one thing, col. 4, line 61-63 writes "**An encircling magnetized scleral buckle and magnetic fluid produces a 360 degree ring of magnetic fluid in apposition to the retinal periphery**". This is a far cry from an encircling heat-shrinkable scleral band with a custom-made snap on buckle. Nowhere in Dailey's patent the words "**Custom Buckle**", or "**Snap-On**" has ever been mentioned. Dailey's band is a ring of magnetic fluid and his magnetic buckle is a magnetized fluid body and is not custom-made and is not snapped-on. We disagree with the examiner that Dailey's magnetic fluid band is essentially the same as our plastic and nonmagnetic custom-designed band. We

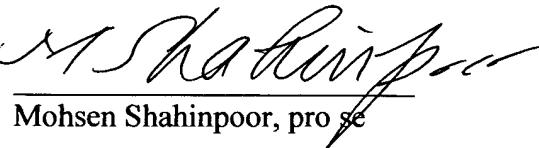
respectfully ask the examiner to reconsider her ruling on Dailey's patent and its connection to ours. We appreciate the examiners acknowledgement that Dailey does not claim any heat-shrinkable plastic band. However, we disagree with the examiner stating that Johnson's 373 patent on heat-shrinkable intraocular lens makes it obvious to a person of ordinary skill in the art to modify Dailey's magnetic fluid band and buckle to be heat-shrinkable. The examiner is making a mistake by considering the scleral band as an intraocular device. The scleral band is still outside the eye on the sclera and is not inside the eye as an intraocular device. We respectfully ask the examiner to reconsider her ruling on this issue, as well, because it would not have been obvious for someone to draw conclusion from an intraocular lens device to apply to a scleral band which is not an intraocular device.

Having responded to each and every objection and rejection raised by the Examiner, it is believed that the patent application is now in condition for allowance, and such allowance is respectfully requested. If the Examiner has any questions or suggestions for expediting an allowance in this matter, the Examiner is invited to call the undersigned collect.

The Commissioner is authorized to charge any fees or credit any overpayment under 37 CFR " 1.16 and 1.17 which may be required during the entire pendency of the application to the credit card used to pay the application fees.

Respectfully submitted,

Dated: January 19, 2007

By:   
Mohsen Shahinpoor, pro se

Mohsen Shahinpoor  
909 Virginia Street, NE  
Suite 205  
Albuquerque, NM 87108

Telephone: (505) 265 4479  
Facsimile: (505) 265 4487  
Mobile: (505) 314 3627